

Discussion of Comments

Two comments, one supporting the proposal, were received. The objection was submitted by the owner of property located above the bridge. In the near future, a house will be built on the land. A closed bridge would deny access by sailboat.

The Presumpscot River immediately above the bridge is wide and shallow: At low tide the channel is separated from the shore by varying widths of tidal flats. Interstate route 295 crosses the Presumpscot River, about 1.7 miles above the bridge, at a point where the river suddenly narrows. Immediately above this bridge is a fixed railroad bridge. The dimensions of the navigation opening through this bridge are a width of 60 feet and a vertical clearance of nine feet above mean high water. The U.S. Route #1 bridge, when closed, provides a vertical clearance of 12 feet at mean high tide and 21 feet at mean low water, which should provide for the reasonable needs of navigation.

The westerly shore between the two bridges is isolated by the interstate roadway. Much of the land to the north and along the east side is tidal wetland. A portion of the land along the east side and the small amount of land at the south end are residential areas.

The shallowness of the Presumpscot River and the lack of available land preclude any significant development of this area.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.15 to read as follows:

§ 117.15 Presumpscot River, Portland, Maine: highway bridge at Martin Point.

(a) The drawspan of this bridge need not be opened for the passage of vessels.

(b) The draw shall be returned to operable condition within six months after notification from the Commandant to take such action.

(Sec. 5, 28 Stat. 362, as amended; Sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499; 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5); 33 CFR 1.05-1(g)(3))

Dated: July 17, 1980.

R. H. Wood,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

FR Doc. 80-21813 Filed 7-18-80; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD 79-114]

Drawbridge Operation Regulations; Yazoo River, Miss.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is revising the regulations governing the operation of the drawbridges across the Yazoo River from its mouth to Greenwood, Mississippi, to require at least two hours notice for the opening of the Illinois Central Gulf Railroad bridge at Redwood and the Satartia Highway bridge at Satartia and at least four hours notice for the drawbridges at Yazoo City, Belzoni, Silent Shade, Roebuck, Fort Loring, and Greenwood at all times. The proposal is being made in an effort to promote uniformity and facilitate commercial navigation. This action should relieve the bridge owners of having a person constantly available to open the draw while still providing for the reasonable needs of navigation.

EFFECTIVE DATE: This amendment is effective on August 24, 1980.

FOR FURTHER INFORMATION CONTACT: Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-NBR/TP14), Room 1414, Transpoint Building, 2100 Second Street, S.W., Washington, D.C. 20593 (202-426-0942).

SUPPLEMENTARY INFORMATION: On May 22, 1980, the Coast Guard published a proposed rule (44 FR 34305) concerning this amendment. The Commander, Second Coast Guard District, also published these proposals as a Public Notice dated May 29, 1980. Interested parties were given until June 23, 1980 to submit comments.

DRAFTING INFORMATION: The principal persons involved in drafting this amendment are: Frank L. Teuton, Jr. Project Manager, Office of Navigation, and Coleman Sachs, Project Attorney, Office of Chief Counsel.

Discussion of Comments

No comments were received on this proposal.

In consideration of the foregoing, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

1. Deleting 33 CFR 117.560(f)(18).
2. Revising 33 CFR 117.560(f)(17) to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.560 Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(f) * * *

(17) Yazoo River, Miss. (i) The draws of the Illinois Central Gulf Railroad bridge at Redwood and the Satartia Highway bridge at Satartia shall open on signal if at least two hours notice is given. When a vessel has given notice and fails to arrive within the two-hour period specified, the draw tender shall remain on duty for two additional hours and open the draw if the requesting vessel appears. After this time, an additional two-hour notice is required.

(ii) The draws of the drawbridges upstream from the Satartia Highway bridge shall open on signal if at least four hours notice is given. When a vessel has given notice and fails to arrive within the four-hour period specified, the draw tender shall remain on duty for two additional hours and open the draw if the requesting vessel appears. After this time, an additional four-hour notice is required.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5))

Dated: July 14, 1980.

P. J. Rots,

Acting Chief, Office of Navigation.

[FR Doc. 80-21815 Filed 7-18-80; 8:45 am]

BILLING CODE 4910-14-M

POSTAL SERVICE

39 CFR Part 111

Poisons and Controlled Substances, Deletion of Requirement To Use Registered Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule deletes the requirement in postal regulations that parcels containing controlled substances be sent by registered mail. A number of mailers had requested deletion of this requirement because of the higher cost of registered mail. The Postal Service believes it appropriate to agree to the request. Accordingly, regular mail may be used for parcels containing controlled substances.

EFFECTIVE DATE: August 20, 1980.

FOR FURTHER INFORMATION CONTACT: George C. Davis, (202) 245-4385.

SUPPLEMENTARY INFORMATION: On March 27, 1980 the Postal Service published in the Federal Register (45 FR 20118) a proposal to amend the regulations of the Postal Service concerning the mailing of poisons, poisonous drugs and medicines, and controlled substances. This proposal would have, among other things, eliminated the requirement to send controlled substances by registered mail. There were two extensions of the comment period on the registered mail proposal (see 45 FR 26983 and 38419), and the periods expired without any comments from the public on this issue.

Accordingly, the Postal Service hereby adopts the following revisions of the Domestic Mail Manual, which is incorporated by reference in the Federal Register. See 39 CFR 111.1.

Part 124—Nonmailable Matter—Articles and Substances; Special Mailing Rules

In 124.5 delete .543 and .544.

124.5 Controlled Substances, Narcotics (18 U.S.C. 1716)

* * * * *

.54 Mailing Requirements

* * * * *

.543 [Deleted]

.544 [Deleted]

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. These changes will be published in the Federal Register as provided in 39 CFR 111.3.

(39 U.S.C. 401(2); 18 U.S.C. 1716)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

[FR Doc. 80-21809 Filed 7-18-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 122

[FRL 1545-2]

Consolidated Permit Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Suspension of portion of final rule.

SUMMARY: This action suspends a portion of the definition of the term, "waters of the United States" in the Consolidated Permit Regulations pending further rulemaking.

EFFECTIVE DATE: July 21, 1980.

FOR FURTHER INFORMATION CONTACT: Peter Holmes, Office of General Counsel (A-131), Washington, D.C. 20460 (202) 755-0753.

SUPPLEMENTARY INFORMATION: On May 19, 1980, EPA issued final consolidated permit regulations under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, the Clean Water Act, and the Clean Air Act. Included in those regulations was a definition of the term "waters of the United States." 40 CFR § 122.3. This term governs the applicability of the "National Pollutant Discharge Elimination System" (NPDES) permit system under the Clean Water Act.

The definition amended the previous definition, formerly appearing at 40 CFR § 122.3(t) (1979) of the term "navigable waters." This prior definition had specified that:

* * * waste treatment systems (other than cooling ponds meeting the criteria of this paragraph) are not waters of the United States.

The May 19 regulations provided:

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR § 423.11 (m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the United States (such as a disposal area in wetlands) nor resulted from the impoundment of waters of the United States. [40 CFR § 122.3, definition of "waters of the United States," FR 33424, May 19, 1980]

The Agency's purpose in the new last sentence was to ensure that dischargers did not escape treatment requirements by impounding waters of the United States and claiming the impoundment was a waste treatment system, or by discharging wastes into wetlands.

Petitions for review were filed in several courts of appeals by industries and an environmental group seeking review of the May 19 consolidated regulations. Certain industry petitioners wrote to EPA expressing objections to the language of the definition of "waters of the United States." They objected that the language of the regulation would require them to obtain permits for discharges into existing waste treatment systems, such as power plant ash ponds, which had been in existence for many years. In many cases, they argued, EPA has issued permits for discharges from, not into, these systems. They requested EPA to revoke or suspend the last sentence of the definition.

EPA agrees that the regulation should be carefully re-examined and that it may be overly broad. Accordingly, the Agency is today suspending its

effectiveness. EPA intends promptly to develop a revised definition and to publish it as a proposed rule for public comment. At the conclusion of that rulemaking, EPA will amend the rule, or terminate the suspension.

Authority: This suspension is issued under authority of the Clean Water Act, 33 U.S.C. § 1251 *et seq.*

Dated: July 16, 1980.

Douglas M. Costle,
Administrator.

§ 122.3 [Amended]

1. In 40 CFR § 122.3, in the definition of "Waters of the United States," the last sentence, beginning "This exclusion applies * * *," is suspended until further notice.

[FR Doc. 80-21878 Filed 7-17-80; 11:32 am]

BILLING CODE 5560-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 460

Professional Standards Review; Redesignation of PSRO Areas in California

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final regulation.

SUMMARY: This regulation redesignates Professional Standards Review Organization (PSRO) areas in California in order to combine PSRO Areas XIX and XXIII. This redesignation will facilitate initiation of PSRO activity in the currently uncovered area of Los Angeles, California, formerly designated as Area XIX. In addition, the redesignation results in a higher degree of congruence with the Health Service Area (HSA) designations and in more effective coordination with Medicare intermediaries and carriers and Medicaid fiscal agents.

DATES: Effective July 21, 1980.

FOR FURTHER INFORMATION CONTACT: Marjorie Geller, (301) 594-5033.

SUPPLEMENTARY INFORMATION: On December 17, 1979, we published a notice of proposed rulemaking in the Federal Register (44 FR 73128). The purpose of the proposal was to redesignate California PSRO areas so that the cities and postal zones of Los Angeles County previously designated as PSRO Area XIX were transferred to PSRO Area XXIII which consists of a group of cities in Los Angeles County.

Background

Guidelines for the redesignation of PSRO areas (42 CFR 460.2) provide that we may revise area designations when we determine it is necessary and that we may consider the coordination with existing Health Service Areas and the coordination with Medicare intermediaries and carriers and Medicaid fiscal agents in our redesignation decisions. The local Health Service Area covers all of Los Angeles County. Therefore, any consolidation of PSRO areas within Los Angeles County diminishes problems of coordination, data sharing, and other health planning efforts for the Los Angeles County Health Service Area. The Medicare intermediaries and carriers and Medicaid fiscal agents covering the Los Angeles County area currently must relate to eight different PSRO areas. Furthermore, medical practice patterns and service areas often cross PSRO area boundaries. A consolidation of areas will result in more effective coordination for these organizations.

Area XIX never had a conditional PSRO, and the contract with the planning organization which had formed in the area expired on March 30, 1979. Area redesignation will facilitate PSRO review implementation by allowing the Area XXIII PSRO to assume review responsibility in those hospitals formerly included in Area XIX.

Scope of the Rules

This regulation redesignates PSRO areas in California by adding to California Area XXIII those cities and postal zones formerly included in California Area XIX. This change facilitates the full implementation of PSRO review in Los Angeles County and promotes more efficient coordination among PSROs, the Los Angeles County Medicare intermediaries and carriers and Medicaid fiscal agents, and the Los Angeles County medical practice patterns and services areas.

Clarification of Permanent Boundaries of Area XXIII

Areas XVIII through XXV are designated by city, community, and postal zone boundaries which were in effect in 1974, and these boundaries remain fixed regardless of subsequent changes in postal zones or communities. A detailed description of the boundaries for the proposed California Area XXIII is included below. In order to avoid confusion from renumbering PSRO areas in California, there will be no area designated as PSRO Area XIX.

The precise boundaries proposed for Area XXIII, in accordance with the 1974 city, community, and postal zone boundaries, are as follows:

Beginning at the Pacific Ocean at its intersection with the southern side of the Marina Del Rey Channel, thence running northeasterly along the City of Los Angeles side of the City of Los Angeles/Marina Del Rey Channel to its intersection with the unincorporated Los Angeles County border; then following south along the City of Los Angeles side of the City of Los Angeles and unincorporated Los Angeles County border to its intersection with Centinela Avenue; then southeasterly along the southern side of Centinela Avenue to its intersection with La Cienega Blvd.; then north along the eastern side of La Cienega Blvd. to its intersection with the northwest most point of the City of Los Angeles/City of Inglewood border; then east and southeasterly along the City of Inglewood side of the City of Inglewood/City of Los Angeles border to its intersection with the unincorporated Los Angeles County border; then south along the City of Inglewood side of the City of Inglewood/unincorporated Los Angeles County border to its intersection with the City of Hawthorne border; then running east and south along the City of Hawthorne side of the side of the City of Hawthorne/unincorporated Los Angeles County border to its intersection with El Segundo Blvd.; then easterly along the southern side of El Segundo Blvd. to its intersection with Vermont Avenue; then south along the western side of Vermont Avenue to its intersection with Rosecrans Avenue; then easterly along the southern side of Rosecrans Avenue to its intersection with Central Avenue; then north along the eastern side of Central Avenue to its intersection with El Segundo Blvd.; then east along the southern side of El Segundo Blvd. to its intersection with Mona Blvd.; then north on the eastern side of Mona Blvd. to its intersection with Imperial Highway; then east on the southern side of Imperial Highway to its intersection with Alameda Street; then north on the eastern side of Alameda Street to its intersection with Slauson Avenue; then east along the City of Huntington Park side of the City of Huntington Park/City of Vernon border to its intersection with the unincorporated Los Angeles County border; then east and north along the City of Huntington Park side of the City of Huntington Park/unincorporated Los Angeles County border to its intersection with the City of Vernon border; then following the City of Huntington Park side of the City of

Huntington Park/City of Vernon border to its intersection with the City of Maywood border; then north along the City of Maywood side of the City of Maywood/City of Vernon border to its intersection with Slauson Avenue; then easterly along the southern side of Slauson Avenue to its intersection with Long Beach Freeway (State Highway 7); then south along the western side of Long Beach Freeway to its intersection with the City of Bell Gardens/City of Commerce border; then easterly along the City of Bell Gardens side of the City of Bell Gardens/City of Commerce border to its intersection with the City of Downey border; then following the City of Downey/City of Commerce border to its intersection with the City of Pico Rivera border; then following the City of Downey side of the City of Downey/City of Pico Rivera border to its intersection with the San Gabriel River; then south along the western side of the San Gabriel River to its intersection with the City of Norwalk/City of Bellflower/City of Cerritos border; then east along the City of Cerritos side of the City of Cerritos/City of Norwalk border to its intersection with the unincorporated Los Angeles County/City of Norwalk border then following the unincorporated Los Angeles County side of the unincorporated Los Angeles County/City of Norwalk border to its intersection with the City of Cerritos border; then following the City of Cerritos side of the City of Cerritos/City of Norwalk border to its intersection with the City of Artesia border; then following the City of Artesia side of the City of Artesia/City of Norwalk border to its intersection with the City of Cerritos border; then following the City of Cerritos side of the City of Cerritos/City of Norwalk border to its intersection with the City of Sante Fe Springs border; then following the City of Cerritos side of the City of Cerritos/City of Sante Fe Springs border to its intersection with the City of La Mirada border; then following the City of Cerritos side of the City of Cerritos/City of La Mirada border to its intersection with the City of Buena Park border; then following the City of Cerritos side of the City of Cerritos/City of Buena Park border to its intersection with the City of La Palma border; then generally southwesterly along the City of Cerritos side of the City of Cerritos/City of La Palma border to its intersection with the unincorporated Orange County border; then following the City of Cerritos side of the City of Cerritos/unincorporated Orange County border to its intersection with the City of La Palma border; then following generally south along the Los

Angeles County side of the Los Angeles County/Orange County border to its intersection with the Pacific Ocean, the point of beginning. The Island of Catalina is also within the area.

Analysis of Public Comments

We received three comments in response to the proposed rule, one each from a hospital, a hospital council, and a medical association. Neither the hospital nor the hospital council opposed the area redesignation but both expressed concern that physicians in the former Area XIX be assured an ample opportunity for participation in policy making for the expanded PSRO Area XXIII. In addition, the medical association which sponsored the PSRO planning contract in Area XIX opposed the proposed rule based on similar concerns that there might be a lack of local control by physicians in the former Area XIX over the peer review process.

Although these are legitimate concerns, we believe that local physician control can be maintained throughout the enlarged Area XXIII since all physicians in the former Area XIX are now eligible for full membership in the Area XXIII PSRO. The California Regional Office will monitor the Area XXIII PSRO to ensure that it actively recruits physician membership and promotes board representation for former Area XIX physicians.

PART 460—PSRO AREA DESIGNATIONS

42 CFR 460.7 is amended by revising the introductory paragraph and the entries for Area XIX and Area XXIII in the table to read as follows:

§ 460.7 California

Twenty-seven Professional Standards Review Organization areas are designated in California. Areas XVIII through XXV are designated by city, community, and postal zone boundaries as in effect in 1974. All other areas are designated by counties. The boundaries for PSRO Areas XVIII through XXV will remain fixed, unless specifically revised through rulemaking, even though the 1974 boundaries for postal zones or other community areas may change. Therefore, detailed specifications of these PSRO Areas have also been prepared and are available upon request from HCFA.

Area XIX (Consolidated with Area XXIII).

* * * * *

AREA XXIII

Gardena	El Segundo
Hermosa Beach	Hawthorne

Lomita
Manhattan Beach
Palos Verdes
Redondo Beach
Compton
Downey
Home Gardens
Huntington Park
Lynwood
Maywood
Paramount
South Gate
Rolling Hills
Torrance
Artesia
Bell
Bellflower
Bell Gardens
Willowbrook

(Secs. 1102 and 1152 of the Social Security Act (42 U.S.C. 1302 and 1320c-1))

(Catalog of Federal Domestic Assistance Program No. 13.714 Medical Assistance Program; No. 13.773 Medicare-Hospital Insurance; No. 13.74 Medicare-Supplementary Medical Assurance)

Dated: June 3, 1980.

Earl M. Collier, Jr.,

Acting Administrator, Health Care Financing Administration.

Approved: July 11, 1980.

Nathan J. Stark,

Acting Secretary.

[FR Doc. 80-21836 Filed 7-18-80; 8:45 am]

BILLING CODE 4110-35-M

Inglewood
Lawndale
Lennox
Avalon
Dominguez
Hawaiian Gardens
Lakewood
Long Beach
Los Alamitos
Terminal Island
Wilmington
Harbor City
Palos Verdes Estates
Palos Verdes Peninsula
San Pedro
Los Angeles
Postal Zones:
90009
90045

(Public Law 96-32), approved July 10, 1979, added authority to Section 317 of the Public Health Service Act for the award of grants to establish and maintain community and school-based fluoridation programs. A regulation applicable to the award of these grants was published in the *Federal Register* on September 26, 1979 (44 FR 55378), as a Final Rule (with subsequent comment period) to provide a regulatory base for the award of grants authorized to begin during fiscal year 1979.

The purpose of the grant program is to assist State agencies, political subdivisions of States, or other public agencies authorized to supply potable water for public consumption in carrying out local community and school water fluoridation programs and, where approved, to provide support for measures other than fluoridating water to protect teeth.

There were no comments or recommendations received from the public for changes in the regulation as published. However, two changes are made as a result of internal Departmental review. One change provides for special consideration to dental manpower shortage areas in the competition for grant funds. The other change clarifies the definition of "optimal fluoride level" because the definition, as published, is not technically correct.

Title 42, Part 51b, of the Code of Federal Regulations, Subpart G—Grants for Fluoridation, is amended as set forth below.

Dated: June 4, 1980.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: July 11, 1980.

Nathan J. Stark,

Acting Secretary.

Parts 51b, Subpart G, is amended as follows:

§ 51b.702 [Amended]

1. Section 51b.702—The definition of "optimal fluoride level" is changed to read as follows:

"Optimal fluoride level" means the recommended fluoride level in drinking water in a specific community water system which is determined by the annual average of maximum daily air temperature over a 5-year period.

2. Section 51b.705 is amended by adding the following subparagraph after subparagraph (b)(3):

§ 51b.705 How will grant applications be evaluated and grants awarded?

* * * * *

(b) * * *

Public Health Service

Center for Disease Control

42 CFR Part 51b

Grants for Preventive Health Services; Grants for Fluoridation

AGENCY: Center for Disease Control, Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: This rule amends the final regulation, published in the *Federal Register* on September 26, 1979, which applies to the award of grants for establishing and maintaining community and school-based fluoridation programs. The amendment provides for special consideration for grants to dental manpower shortage areas and clarifies the definition of "optimal fluoride level."

DATE: This regulation is effective July 21, 1980.

FOR FURTHER INFORMATION CONTACT: Windell R. Bradford, Associate Director, Bureau of State Services, Center for Disease Control, Atlanta, Georgia 30333, telephone (404) 329-3773 or FTS: 236-3773.

SUPPLEMENTARY INFORMATION: The Health Services and Centers Amendments of 1978 (Public Law 95-626), approved November 10, 1978, and corrected by Senate Joint Resolution 14